



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/14/78-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of Internal Affairs Notification No. F.7/(11)/62-Goa, dated 25th July, 1963 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'C' & 'D', Non-Ministerial, Non-Gazetted posts in the Office of the Inspector General of Prisons Government of Goa, Daman and Diu, namely:—

#### 1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Office of the Inspector General of Prisons, Group 'C' and Group 'D' Non-Ministerial, Non-Gazetted posts Recruitment Rules, 1987.

(2) *Application.*— These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

#### 2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 18th February, 1987.

**SCHEDULE**

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Male Nurse	1 (1987) Subject to variation dependent on workload.	Group 'C' (Non-Gazetted, Non-Ministerial).	Rs. 1400-40-1600-50-2300-EB-60-2600.	N. A.	Not exceeding 30 years. (Relaxable for Govt. servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<i>Essential:</i> 1) Matriculation or equivalent. 2) Knowledge of local language. 3) Certificate in Nursing from recognised University. 4) 2 years experience in Medical College or Rural Health Centre or in a Hospital.  <i>Desirable:</i> Knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	Two years	By transfer on deputation failing which by direct recruitment.	<i>Transfer on deputation:</i> A Male Nurse from Directorate of Health Services/Goa Medical College.  (Period of deputation ordinarily shall not exceed three years).	Group 'C' D.P.C. (for considering confirmation).	N. A.
Instructor (Tailoring)	1 (1987) Subject to variation dependent on workload.	— do —	Rs. 1320-30-1560-EB-40-2040.	N. A.	— do —	<i>Essential:</i> 1) Matriculation or equivalent. 2) Diploma or National Certificate from a recognised Institute. 3) Three years practical experience in Tailoring. 4) Ability to organise work and maintain discipline.  <i>Desirable:</i> Knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	Two years	By direct recruitment.	N. A.	Group 'C' D.P.C. (for considering confirmation).	N. A.
Craft Instructor (Carpentry)	1 (1987) Subject to variation dependent on workload.	Group 'C' (Non-Gazetted, Non-Ministerial).	Rs. 1400-40-1800-EB-50-2300.	N. A.	Not exceeding 30 years. (Relaxable for Govt. servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<i>Essential:</i> 1) Matriculation. 2) Diploma or National Certificate from a recognised Institute or equivalent.  <i>Desirable:</i> Knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	Two years	By transfer on deputation failing which by direct recruitment.	<i>Transfer on deputation:</i> A suitable official holding analogous post in any Government Department under this Administration.	Group 'C' D.P.C. (for considering confirmation).	N. A.

(Period of deputation shall ordinarily not exceed three years).

					with instructions or orders issued by the Central Government).	3) 3 years practical experience.								
						4) Ability to organise work and maintain discipline.								
						<i>Desirable:</i>								
						i) Knowledge of Konkani and/or Marathi/Gujarathi.								
						ii) Knowledge of other small scale industries preferable.								
Matron	1 (1987) Subject to variation dependent on workload.	-- do --	Rs. 950-20-1150-EB-25-1500.	Selection	-- do --	<i>Essential:</i>	N. A.	Two years	By promotion failing which by direct recruitment.	<i>Promotion:</i>	Group 'C' D.P.C.	N. A.		
						i) Matriculation or equivalent.				Lady Warders with 3 years regular service in the grade.				
						ii) Knowledge of Konkani and/or Marathi/Gujarathi.								
Jailor	5 (1987) Subject to variation dependent on workload.	Group 'C' (Non-Ministerial Non-Gazetted)	Rs. 1200-30-1560-EB-40-2040.	Selection	Not exceeding 30 years. (Relaxable for Govt. servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<i>Essential:</i>	N. A.	Two years	50% by promotion failing which by direct recruitment 50% by direct recruitment.	<i>Promotion:</i>	Group 'C' D.P.C.	N. A.		
						1) Intermediate / Higher Secondary / Senior Cambridge or equivalent.				Asstt. Jailor with 3 years regular service in the grade.				
						2) Physical standards Height 5" X 4" Chest measurement 31" — 33".								
						<i>Desirable:</i>								
						i) Degree from a recognised University or equivalent preferably with Sociology or Criminology as a course of study.								
						ii) Knowledge of Konkani and/or Marathi/Gujarathi.								
Assistant Jailors	13 (1987) Subject to variation dependent on workload.	-- do --	Rs. 950-20-1150-EB-25-1500.	-- do --	-- do --	<i>Essential:</i>	N. A.	Two years	25% by promotion failing which by direct recruitment 75% by direct recruitment.	<i>Promotion:</i>	Group 'C' D.P.C.	N. A.		
						1. Matriculation or equivalent.				Head Guards with three years regular service in the grade.				
						2. Physical standards Height 5" X 4" Chest measurement 31" — 33".								
						<i>Desirable:</i>								
						i) N. C. C. Certificate with training in Drill, Physical exercise, etc.								
						ii) Knowledge of Konkani and/or Marathi/Gujarathi.								

1	2	3	4	5	6	7	8	9	10	11	12	13
Head Guard	9 (1987) Subject to variation dependent on work-load.	Group 'D'	Rs. 800-15-1010-EB-20-1150.	Selection	N. A.	N. A.	N. A.	Two years	By promotion.	Promotion: Jail Guards with three years regular service in the grade.	Group 'C' D.P.C.	N. A.
Jail Guard	88 (1987) Subject to variation dependent on work-load.	— do —	Rs. 800-15-1010-EB-20-1150.	N. A.	Not exceeding 30 years. (Relaxable for Govt. servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	Essential: i) Middle school or equivalent qualification. ii) Must have ability to read and write one or more of the local languages. iii) Physical standard: Height 5"—4" Chest 31"—33".  Desirable: Knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	—do—	Direct recruitment.	N. A.	Group 'D' D.P.C. (for considering confirmation).	N. A.
Lady Warder	3 (1987) Subject to variation dependent on work-load.	Group 'D'	Rs. 800-15-1010-EB-20-1150.	N. A.	Not exceeding 30 years. (Relaxable for Govt. servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	Essential: Middle school or equivalent qualification.  Desirable: Knowledge of Konkani and/or Marathi/Gujarathi.	N. A.	—do—	Direct recruitment.	N. A.	Group 'D' D.P.C. (for considering confirmation).	N. A.
Electrician	1 (1987) Subject to variation dependent on work-load.	Group 'C' (Non-Gazetted, Non-Ministerial).	Rs. 950-20-1150-EB-25-1400.	N. A.	— do —	Essential: i) Middle school or equivalent qualifications. ii) Wireman Examination Certificate. iii) Minimum 2 years practical experience. iv) Must be able to maintain and repair a power generator.  Desirable: Knowledge of Konkani and/or Marathi/Gujarathi.	— do —	—do—	Direct recruitment.	N. A.	Group 'C' D.P.C. (for considering confirmation).	N. A.

**ORDR**

2/7/76-PERol. II)

In supersession of the existing orders for the constitution of Departmental Selection Committee for Group 'C' posts of Assistant Motor Vehicle Inspectors in the Directorate of Transport, the following Departmental Selection Committee hereby constituted with immediate effect in respect of said Group 'C' posts:—

1. Director of Training, Recruitment & Monitoring — Chairman.
2. Director of Transport — Member.
3. Under Secretary (Transport) — Member.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 13th March, 1977.

**ORDER**

2/7/76-PE (VOL.)

Read: Order No. 23-Div. dated 12-9-1979.

In partial modification of the order cited above, the following Departmental Selection Committee/Departmental Promotion Committee is hereby constituted with immediate effect for recruitment and promotion to Group 'C' posts in the Directorate of Education:

1. Director of Training, Recruitment & Monitoring. — Chairman.
2. Asstt. Director of Education (Admin.) — Member.
3. Under Secretary of Administrative Department — Member.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 13th March 1987

Department

Legal Branch

Notification

LD/135-D/Part-File

The Inland Waterways Authority of India Act, 1985 (No. 82 of 15) and the Futwah-Islampur Light Railway Lix (Nationalisation) Act, 1985 (No. 83 of 1985) were passed by Parliament and assented to by the President of India on 30th December, 1985 and published in the Gazette of India, Extraordinary Part II, Section 1 dated 30-12-1985, are hereby republished for the general information.

B. S. Subbanna, Under Secretary (Law) to the Government of Goa, Daman and Diu.

Panaji, 16th April, 1986.

## THE INLAND WATERWAYS AUTHORITY OF INDIA ACT, 1985

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Inland Waterways Authority of India Act, 1985

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## The Inland Waterways Authority of India Act, 1985

AN

ACT

*to provide for the constitution of an Authority for the regulation and development of inland waterways for purposes of shipping and navigation and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

## CHAPTER I

## Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Inland Waterways Authority of India Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “appurtenant land” means all lands appurtenant to a national waterway, whether demarcated or not;

(b) “Authority” means the Inland Waterways Authority of India constituted under section 3;

(c) “channel” means any waterway, whether natural or artificial;

(d) “conservancy” includes dredging, training, closure, diversion or abandoning channels;

(e) “conservancy measures” means measures for purposes of conservancy, but does not include measures for protection of banks against floods or for restricting banks which have become eroded mainly on account of reasons not connected with shipping and navigation;

(f) “infrastructure” includes structures such as docks, wharves, jetties, landing stages, locks, buoys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression “infrastructural facilities” shall be construed accordingly;

(g) “member” means a member of the Authority appointed under sub-section (3) of section 3;

(h) “national waterway” means the inland waterway declared by section 2 of the National Waterway (Allahabad-Haldia stretch of Ganga-Bhagirathi-Hooghly river), 1982, to be a national waterway.

*Explanation*—Parliament declares by law any other waterway to be a national waterway, then from the date on which such declaration takes effect, such waterway—

(i) shall be deemed also to be a national waterway with the meaning of this clause; and

(ii) the provisions of this Act shall, with necessary modification (including modification for construing any reference to the commencement of this Act as reference to the date aforesaid), apply to such national waterway;

(i) “navigable channel” means a channel navigable during the whole or a part of the year;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “regulations” means regulations made by the Authority under this Act; and

(l) “rules” means rules made by the Central Government under this Act.

## CHAPTER II

## Inland Waterways Authority of India

3. *Constitution and incorporation of the Inland Waterways Authority of India.*— (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted for the purposes of this Act an Authority, to be called the Inland Waterways Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:—

(a) a Chairman;

(b) a Vice-Chairman; and

(c) such number of persons not exceeding five,

to be appointed by the Central Government.

(4) The Authority may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act and any person so associated shall have the right to take part in the discussions of the Authority relevant to the purpose for which he has been associated but shall not be entitled to vote.

4. *Conditions of service members.* The term of office and other conditions of service of the members shall be such as may be prescribed.

5. *Powers of Chairman & Vice-Chairman.* — (1) The Chairman of the Authority shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to him by the Authority and such other powers and duties as may be prescribed.

(2) The Vice-Chairman of the Authority shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed as may be delegated to him by the Authority.

6. *Removal, etc., of members.* — (1) The Central Government may remove from the Authority any member who, in its opinion, —

(a) refuses to act,

(b) has become incapable to act,

(c) has so abused his office as to render his continuance in office detrimental to the public interest, or

(d) is otherwise unfit to continue as a member.

(2) The Central Government may suspend any member pending an inquiry against him.

(3) No order of removal under this section shall be made unless the member concerned has been given an opportunity to submit his explanation to the Central Government and when such order is passed, the seat of the member removed shall be declared vacant.

(4) A member who has been removed under this section shall not be eligible for re-appointment as a member or in any capacity under the Authority.

7. *Vacancy etc., not to invalidate proceedings of the Authority.* — Notwithstanding any proceedings of the Authority shall be invalidated merely by reason of —

(a) any vacancy, or defect in the constitution of, the Authority;

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

8. *Secretary and other officers.* — (1) The Authority may appoint a Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Authority shall be such as may be determined by regulations.

9. *Advisory Committee.* — (1) Subject to any rules made in this behalf, the Authority may from time to time constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.

(2) Every Advisory Committee shall consist of such number of persons connected with shipping and navigation and allied aspects as the Authority may deem fit.

10. *Authority to act on business principles.* — In the discharge of its functions under this Act, the Authority shall act, so far as may be, on business principles.

### CHAPTER III

#### Property and Contracts

11. *Transfer of assets and liabilities of the Central Government to the Authority.* — (1) As from such day as the Central Government may appoint by notification in the Official Gazette, —

(a) all properties and other assets vested in the Central Government for the purposes of Inland Water Transport Directorate, and administered by the Chief Engineer-cum-Administrator, Inland Water Transport Directorate, immediately before such day shall vest in the Authority;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the Central Government immediately before such day for or in connection with the purposes of Inland Water Transport Directorate shall be deemed to have been incurred; entered into and engaged to be done by, with, or for the Authority;

(c) all non-recurring expenditure incurred by Central Government for or in connection with the purposes of Inland Water Transport Directorate up to such day and declared to be capital expenditure by the Central Government shall, subject to such terms and conditions as may be determined by the Central Government, be treated as capital provided by the Central Government to the Authority;

(d) all sums of money due to the Central Government in relation to Inland Water Transport Directorate immediately before such day shall be deemed to be due to the Authority;

(e) all suits and other legal proceedings with respect to any matter in relation to Inland Water Transport Directorate which having been instituted by or against the Central Government are pending, or which could have been so instituted, immediately before such date shall on and after such date be continued or instituted by or against the Authority; and

(f) every employee holding any office under the Central Government immediately before such day solely or mainly for or in connection with such affairs of Inland Water Transport Directorate as are relevant to the functions of the Authority under this Act shall be treated as on deputation with the Authority but shall hold his office in the Authority by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office, if the Authority had not been constituted and shall continue to do so until the Central Government, either on its own motion or at the request of the Authority, recalls such employee.

to its service or until the Authority, with the concurrence of the Central Government, duly absorbs such employee in its regular service, whichever is earlier:

Provided that during the period of deputation of any such employee with the Authority, the Authority shall pay to the Central Government in respect of every such employee, such contribution towards his leave salary, pension and gratuity as the Central Government may, by order, determine:

Provided further that any such employee, who has, in respect of the proposal of the Authority to absorb him in its regular service, intimated within such time as may be specified in this behalf by the Authority his intention of not becoming a regular employee of the Authority, shall not be absorbed by the Authority in its regular service.

(2) If any dispute or doubt, arises as to which of the properties, rights or liabilities of the Central Government have been transferred to the Authority or as to which of the employees serving under the Central Government are to be treated as on deputation with the Authority, under this section, such dispute or doubt shall be decided by the Central Government in consultation with the Authority and the decisions of the Central Government thereon shall be final.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 14 of 1947. or in any other law for the time being in force, the absorption of any employee by the Authority in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

12. *Contracts by the Authority.* — Subject to the provisions of section 13, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

13. *Mode of executing contracts on behalf of the Authority.* — (1) Every contract shall, on behalf of the Authority, be made by the Chairman or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts as may be specified in the regulations shall be sealed with the common seal of the Authority:

Provided that no contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Authority:

Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may, from time to time by order, fix in this behalf shall be made unless it has been previously approved by the Central Government.

(2) Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be prescribed by regulation.

(3) No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

#### CHAPTER IV

#### Functions and Powers of the Authority.

14. *Functions of the Authority.* — (1) The Authority may —

(a) carry out survey and investigations for the development, maintenance and better utilisation of the national waterways and the appurtenant land for shipping and navigation and prepare schemes in this behalf;

(b) provide for the improvement of infrastructural facilities for national waterways;

(c) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterways;

(d) control activities such as throwing rubbish, dumping, removal of material, in or from the bed of the national waterway and appurtenant land, in far as they may affect safe and efficient, shipping and navigation, maintenance of navigable channels, river training and conservancy measures;

(e) remove or alter any obstruction or impediment in the national waterways and the appurtenant land which may impede the safe navigation or endanger any of the infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful reason for the continuance of such obstruction or impediment or otherwise, after making compensation to the person suffering damage by such removal or alteration;

(f) provide for the regulation of navigation and traffic (including the use of the road) on national waterways;

(g) regulate the construction or alteration of structures on, across or under the national waterways;

(h) disseminate navigation, meteorological information about national waterways;

(i) ensure co-ordination of land water transport on national waterways with other modes of transport; and

(j) establish and maintain portage on national waterways.

(2) The Authority may also —

(a) advise the Central Government on matters relating to inland water transport;

(b) study the transport requirement with a view to co-ordinating inland water transport with other modes of transport;



(c) carry out hydrographic surveys and publish river charts;

(d) assist on such terms and conditions as may be mutually agreed upon by State Government in formulation and implementation of scheme for inland water transport development;

(e) develop consultancy services and provide such services, on such terms and conditions as may be mutually agreed upon, in India and abroad in relation to planning and development of waterways for shipping and navigation or any facility thereat;

(f) conduct research matters relating to inland water transport including development of craft design, mechanism of country crafts, technique of towage, landing and terminal facilities, port installations, survey techniques;

(g) lay down standards for classification of inland waterways;

(h) arrange programme of technical training for inland water transport personnel within and outside the country;

(i) perform such other functions as may be necessary to carry out provisions of this Act.

(3) Any dispute arising out of or concerning the compensation referred to clause (e) of sub-section (1) shall be determined according to the law relating to like disputes in cases of land required for public purposes.

(4) Every scheme prepared by the Authority to carry out functions under sub-sections (1) and (2), involving capital expenditure exceeding the amount as may be prescribed, shall be submitted to the Central Government for approval.

(5) The Central Government may either approve the scheme submitted to it under sub-section (4) without modification or with such modifications as it may consider necessary or reject the scheme with directions to the Authority to prepare a fresh scheme according to such directions.

15. *Amendment of schemes.* — The Authority shall not make any material change in the scheme approved under sub-section (5) of section 14 without the prior approval of the Central Government.

*Explanation.* — For the purposes of this section, "material change" means an increase in the cost of the scheme by more than twenty per cent. of its cost or a change in the benefit and cost ratio which either makes the cost component in the ratio exceeds the benefit or reduces the benefit component by more than twenty per cent.

16. *Power to fix maximum and minimum rates for passenger fares and freight for goods.* — The Authority may, with the previous approval of the Central Government and by notification in the Official Gazette, in respect of any system of national waterways or of any stretch of any national waterway, or of any run between any two stations on a national waterway—

(a) fix the maximum or minimum rate per kilometre which may be charged for passenger

fares for passengers of any class travelling on inland mechanically propelled vessels;

(b) fix the maximum or minimum rates or both such rates per kilometre which may be charged for freight on goods of any description carried in inland mechanically propelled vessels; and

(c) declare what shall be deemed to be the distance between any two stations on a national waterway for the purpose of calculating passengers' fares or freight on goods where maximum or minimum rates or both such rates have been fixed under this section.

## CHAPTER V

### Finance, Accounts and Audit

17. *Levy and collection of fees and charges.* — (1) The Authority may, with the previous approval of the Central Government, levy fees and charges at such rates as may be laid down by regulations made in this behalf for services or benefits rendered in relation to the use of the national waterways for the purposes of shipping, navigation, infrastructural facilities, including facilities for passengers and facilities relating to the berthing of vessels, handling of cargoes and storage of cargoes.

(2) The fees and charges levied under sub-section (1) shall be collected in such manner as may be determined by regulations.

18. *Grants and loans by the Central Government.* — The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

19. *Constitution of the Fund.* — (1) There shall be constituted a Fund to be called the Inland Waterways Authority of India Fund and there shall be credited thereto—

(a) any grants and loans made to the Authority by the Central Government under section 18;

(b) all fees and charges received by the Authority under this Act; and

(c) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Authority;

(b) expenses of the Authority in the discharge of its functions under section 14; and

(c) expenses on objects and for purposes authorised by this Act.

20. *Budget.* — The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government.

21. *Investment of funds.*—The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner as may be prescribed.

22. *Annual report.*—The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

23. *Accounts and audit.*—The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Authority shall furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

24. *Annual report and auditors' report to be laid before Parliament.*—The Central Government shall cause the annual report and auditors' report to be laid, as soon as may be after they are received, before each House of Parliament.

#### CHAPTER VI

##### Miscellaneous

25. *Power of Central Government to issue directions.*—(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

26. *Compulsory acquisition of land for the Authority.*—Any land required by the Authority for discharging its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired for the Authority under the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force.

1 of 1894.

27. *Application, etc., of certain law.*—(1) The provisions of this Act shall be in addition to the provisions of the Indian Ports Act, 1908 and the Major Port Trusts Act, 1963 and in particular nothing in the Act shall affect any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by—

15 of 1908.  
38 of 1963.

(a) the conservator of any port or by any officer or authority under the Indian Ports Act, 1908, or

15 of 1908.

(b) the Board of Trustees for any major port or by any officer or authority under the Major Port Trusts Act, 1963,

38 of 1963.

in or in relation to any portion of an inland waterway (including the national waterway) falling within the limits of such port or major port.

(2) Nothing in this Act shall affect the operation of the Indian Vessels Act, 1917 or any other Central Act (other than the Indian Ports Act, 1908 and the Major Port Trusts Act, 1963) or any State or provincial Act force immediately before the commencement of this Act with respect to shipping and navigation on any national waterway but any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by the State Government or any officer or authority subordinate to the State Government under any such Act in so far as such jurisdiction, functions, powers or duties relate to shipping and navigation or such national waterway or any matter incidental thereto or otherwise connected therewith shall, after such commencement, be exercised, performed or discharged by the Authority.

1 of 1917.  
15 of 1908.  
38 of 1963.

28. *Power to enter.*—Subject to any rules made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, whenever it is necessary to do for any of the purposes of this Act, at reasonable times, enter upon any land or premises—

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) take levels;

(c) dig or bore into soil;

(d) set out boundaries and intended lines of work;

(e) mark such level boundaries and lines by placing marks and cutting trenches; or

(f) do such other acts or things as may be prescribed:

Provided that no person shall enter any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

29. *Delegation.*—The Authority may, by general or special order in writing, delegate to the Chairman or any other member or any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 3) as it may deem necessary.

30. *Authentication of orders and other instruments of the Authority.*—Orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorised by the Authority in this behalf and all other instruments executed by the Authority shall be authenticated by the signature of an officer of the Authority authorised by the Authority in this behalf.

31. *Members, officers employees of the Authority to be servants.*—All members, officers other employees of the Authority are deemed, when acting or purporting to act in pursuance of any of the powers of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 45 of 1860.

32. *Protection of action in good faith.*—(1) No suit, prosecution or legal proceedings shall lie against the Government or any officer of the Government or any member or employee of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

(2) No suit or other proceedings shall lie against the Authority for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act or the rules or regulations, and in particular, it shall not be the responsibility of the Authority to provide for relief measures necessitated by accidents or by breaches and failures of works.

33. *Power of Central Government to supersede the Authority.*—(1) Any time, the Central Government is of opinion

(a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on or under the provisions of this Act; or

(b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which the financial position of the Authority or the administration of any national waterway has deteriorated; or

(c) that circumstances exist which render it necessary in the interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification.

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and, if any, of the Authority.

(2) Upon the issue of a notification under sub-section (1) superseding the Authority,—

(a) all the powers shall, as from the date of supersession, vest in their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or done by or on behalf of the Authority, shall, until the Authority is reconstituted under section (3), be exercised and

discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Authority by fresh appointment and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before such House of Parliament at the earliest opportunity.

34. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office and other conditions of service of the members of the Authority under section 4;

(b) the powers and duties of the Chairman and Vice-Chairman under section 5;

(c) the matters with respect to the Advisory Committee referred to in sub-section (1) of section 9;

(d) the amount required to be prescribed under sub-section (4) of section 14;

(e) the form in which, and the time at which, the Authority shall prepare its budget under section 20 and its annual report under section 22;

(f) the manner in which the Authority may invest its funds under section 21;

(g) the manner in which the accounts of the Authority shall be maintained and audited under section 23;

(h) the conditions and restrictions with respect to exercise of the power to enter under section

28 and the matters referred to in clause (f) of that section; and

(i) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

35. *Power to make regulations.* — (1) The Authority may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: —

(a) the manner in which and the purposes for which, the Authority may associate with itself any person under sub-section (4) of section 3;

(b) the terms and conditions of service of the Secretary and other officers and employees of the Authority under sub-section (2) of section 8;

(c) the contracts or class of contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the Authority;

(d) the manner in which, and the conditions subject to which, any functions in relation to the matters referred to in sub-sections (1) and (2) of section 14 may be performed;

(e) the rule of the road on a national waterway;

(f) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;

(g) the reception, portorage, storage and removal of goods brought on a national waterway, and the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;

(h) regulating, declaring and defining the docks, wharfs, jetties, landing stages on which goods shall be landed from vessels and shipped on board vessels;

(i) regulating the manner in which and the conditions under which the loading and unloading of vessels on a national waterway shall be carried out; and

(j) the exclusion from a national waterway of disorderly or other undesirable persons and of trespassers.

(3) Any regulation made under any of the clauses (c) to (j) of sub-section (2) may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

36. *Rules and regulations to be laid before Parliament.* — Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it

is in session, for a total of thirty days which may be comprised in one or in two or more successive sessions, and before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification of the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as they may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

37. *Power to remove difficulties.* — (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

38. *Amendment of Act 19 of 1982.* — In the National Waterway (Allahabad to Calcutta Stretch of the Ganga-Bhagirathi-Hooghly) Act, 1982,—

(a) in section 3, for the words "Central Government", the word "Union" shall be substituted, and for the words "to the extent hereinafter provided", the words and figures "to the extent provided in the Inland Waterways Authority of India Act, 1985" shall be substituted;

(b) sections 4 to 15 shall be omitted.

Notification

LD/1/87-L. B37

The Sales Promotion Employees (Conditions of Service) Amendment Act, 1986 (Act No. 48 of 1986) which was passed by Parliament and assented to by the President on 23rd November 1986 and published in the Gazette of India, Ordinary, Part II, Section 1, dated 24-11-1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 18th March, 1987.

The Sales Promotion Employees (Conditions of Service) Amendment Act,

AN

ACT

further to amend the Sales Promotion Employees (Conditions of Service) Act 1946.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Sales Promotion Employees (Conditions of Service) Amendment Act, 1986.

*Subordinate Legislation*  
Sales Promotion Employees (Conditions of Service) Amendment Act, 1986.  
1986

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 hereinafter referred to as the principal Act), for clause (d), the following clause shall be substituted, namely:—

“(d) “sales promotion employee” means any person by whatever name called (including an apprentice) employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales business, or both, but does not include any such person—

(i) who, being employed or engaged in a supervisory capacity draws wages exceeding sixteen hundred rupees per mensem; or

(ii) who is employed or engaged mainly in a managerial or administrative capacity.

*Explanation.*—For the purposes of this clause, the wages per mensem of a person shall be deemed to be the amount equal to thirty times his total wages (whether or not including, or comprising only of, commission) in respect of the continuous period of his service falling within the period of twelve months immediately preceding the date with reference to which the calculation is to be made, divided by the number of days comprising that period of service.”

3. *Amendment of section 4.*—Section 4 of the principal Act shall be re-numbered and shall be deemed to have been numbered with effect from the 8th day of March, 1976 as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered, in the opening part, the words and brackets “drawing wages including wages, not including any commission)” shall be omitted;

(b) after sub-section (1), as so re-numbered, the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976, namely:—

“(2) The maximum limit up to which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.

(3) The limit up to which the earned leave may be availed at a time by a sales promotion employee and the reasons for which such limit may be exceeded shall be such as may be prescribed.

(4) A sales promotion employee shall,—

(a) when voluntarily relinquishes his post or retires from service, or

(b) when his services are terminated for any reason whatsoever (not being termination as punishment),

be entitled to cash compensation, subject to such conditions and restrictions as may be prescribed (including conditions by way of specifying the maximum period for which such cash compensation shall be payable), in respect of the earned leave earned by him and not availed of.

(5) Where a sales promotion employee dies while in service, his heirs shall be entitled to cash compensation for the earned leave earned by him and not availed of.

(6) The cash compensation which will be payable to a sales promotion employee or, as the case may be, his heirs in respect of any period of earned leave for which he or his heirs, as the case may be, is or are entitled to cash compensation under sub-section (4) or sub-section (5), as the case may be, shall be an amount equal to the wages due to such sales promotion employee for such period.”

4. *Amendment of section 6.*—In section 6 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) Notwithstanding anything contained in the foregoing sub-sections,—

(a) in the application of any Act referred to in any of the said sub-sections to sales promotion employees, the wages of a sales promotion employee for the purposes of such Act, shall be deemed to be his wages as computed in accordance with the provisions of this Act;

(b) where an Act referred to in any of the said sub-sections provides for a ceiling limit as to wages so as to exclude from the purview of the application of such Act persons whose wages exceed such ceiling limit, such Act shall not apply to any sales promotion employee whose wages as computed in accordance with the provisions of this Act exceed such ceiling limit.”

5. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (2), in clause (a), after the words “sales promotion employee”, the words “, the limit up to which he may accumulate earned leave, the limit up to which he may avail of earned leave at a time and the reasons for which such limit may be exceeded, the conditions and restrictions subject to which he may be entitled to cash compensation” shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976.

Government Press

Notice

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